



GOV. MSG. NO. 1190

EXECUTIVE CHAMBERS  
HONOLULU

NEIL ABERCROMBIE  
GOVERNOR

May 31, 2013

The Honorable Donna Mercado Kim,  
President  
and Members of the Senate  
Twenty-Seventh State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

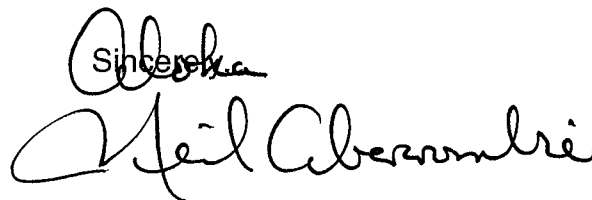
The Honorable Joseph M. Souki,  
Speaker and Members of the  
House of Representatives  
Twenty-Seventh State Legislature  
State Capitol, Room 431  
Honolulu, Hawaii 96813

Dear President Kim, Speaker Souki, and Members of the Legislature:

This is to inform you that on May 31, 2013, the following bill was signed into law:

HB775 HD2 SD2 CD1

MAKING APPROPRIATIONS FOR CLAIMS  
AGAINST THE STATE, ITS OFFICERS, OR ITS  
EMPLOYEES  
**ACT 090 (13)**

Sincerely,  


NEIL ABERCROMBIE  
Governor, State of Hawaii

HOUSE OF REPRESENTATIVES  
 TWENTY-SEVENTH LEGISLATURE, 2013  
 STATE OF HAWAII

H.B. NO. 775  
 H.D. 2  
 S.D. 2  
 C.D. 1

## A BILL FOR AN ACT

MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS  
 OFFICERS, OR ITS EMPLOYEES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 PART I  
 2 SECTION 1. The following sums or so much thereof as may be  
 3 necessary for fiscal year 2012-2013 are appropriated out of the  
 4 general revenues of the State of Hawaii to the department of the  
 5 attorney general for the purpose of satisfying claims for  
 6 legislative relief as to the following named persons, firms,  
 7 corporations, and entities, for claims against the State or its  
 8 officers or employees for the overpayment of taxes, or for  
 9 refunds, reimbursements, payments of judgments or settlements,  
 10 or other liabilities, in the amounts set forth opposite their  
 11 names:

12 JUDGMENTS AGAINST THE STATE	AMOUNT
13 AND SETTLEMENTS OF CLAIMS:	
14	
15 1. DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES:	
16	
17 Macy-McCrea v. State of Hawaii, et al.	\$ 30,000.00
18 Civil No. 10-1-0466-03, First Circuit	Settlement
19	
20	
21 SUBTOTAL:	\$ 30,000.00
22	



2. DEPARTMENT OF THE ATTORNEY GENERAL:

Mitchell v. State of Hawaii	\$	95,000.00
FEPA No. 16448; EEOC No. 486-2011-00251		Settlement

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SUBTOTAL:	\$	95,000.00
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3. DEPARTMENT OF EDUCATION:

Basa v. State of Hawaii	\$	30,000.00
Civil No. 10-1-1374-06, First Circuit		Settlement

Bitanga v. State of Hawaii	\$	18,000.00
Tort Claim		Settlement

Cain, et al. v. State of Hawaii Academy of Arts & Science Charter School	\$	30,000.00
Civil No. 11-00501, USDC		Settlement

Doe, et al. v. State of Hawaii, et al.	\$	5,000,000.00
Civil No. 11-00550, USDC		Settlement

Garner, et al. v. Department of Education	\$15,091,122.33	
Civil No. 03-1-000305 KKS, First Circuit		Settlement

Jackson v. State of Hawaii, et al.	\$	250,000.00
Civil No. 12-1-1004-04, First Circuit		Settlement

Lopes v. Department of Education, et al.	\$	14,000.00
Civil No. 10-1-1886-08, First Circuit		Settlement

Lum, et al. v. State of Hawaii, et al.	\$	155,000.00
Civil No. 11-1-1498-07, First Circuit		Settlement

Manigo-Brown v. State of Hawaii, et al.	\$	23,396.66
Civil No. 11-1-1901-08, First Circuit		Settlement



H.B. NO. 775  
H.D. 2  
S.D. 2  
C.D. 1

1	Mark H., et al. v. Hamamoto, et al.	\$ 3,300,000.00
2	Civil No. 00-00282 LEK-RLP, USDC	Settlement
3		
4		
5	SUBTOTAL:	\$23,911,518.99
6		
7	4. CAMPAIGN SPENDING COMMISSION:	
8		
9	Yamada v. Weaver	\$ 63,852.34
10	Civil No. 10-00497 JMS-RLP, USDC	Judgment
11		
12		
13	SUBTOTAL:	\$ 63,852.34
14		
15	5. DEPARTMENT OF HEALTH:	
16		
17	Vendetti, et al. v. Abercrombie, et al.	\$ 84,000.00
18	Civil No. 10-1-2084-09, First Circuit	Settlement
19		
20	E.P., et al. v. State of Hawaii, et al.	\$ 40,000.00
21	Civil No. 10-1-1357-06, First Circuit	Settlement
22		
23		
24	SUBTOTAL:	\$ 124,000.00
25		
26	6. DEPARTMENT OF HUMAN SERVICES:	
27		
28	J.B. and R.C. v. State of Hawaii, et al.	\$ 25,000.00
29	Civil No. 09-1-1157-05, First Circuit	Settlement
30		
31	Lopez, et al. v. Kalama, et al.	\$ 550,000.00
32	Civil No. 09-1-2021-08, First Circuit	Settlement
33	Naki, et al. v. Kalama, et al.	
34	Civil No. 10-1-0616-03, First Circuit	
35		
36		
37	SUBTOTAL:	\$ 575,000.00



## 7. DEPARTMENT OF LAND AND NATURAL RESOURCES:

Gentry v. Aila, et al.	\$ 75,000.00
Civil No. 11-1-0008, Fifth Circuit	Settlement

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SUBTOTAL:	\$ 75,000.00
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## 8. DEPARTMENT OF PUBLIC SAFETY:

Aliviado, et al. v. Kimoto, et al.	\$ 86,871.21
Civil No. 12-00259 SOM-BMK, USDC	Settlement

Butler v. Nouchi, et al.	\$ 15,000.00
Civil No. 08-00203, USDC	Settlement

Naehu v. State of Hawaii, et al.	\$ 38,579.99
Civil No. 09-1-2604-11, First Circuit	Judgment

Doe Parent, et al. v. State of Hawaii, et al.	\$ 20,000.00
Civil No. 09-1-2773-11, First Circuit	Settlement

Gilding v. State of Hawaii	\$ 350,000.00
Civil No. 08-1-1852-09	Settlement

Gilchrist v. Kimoto, et al.	\$ 14,000.00
Civil No. 12-13-00147 SOM-BMK, USDC	

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SUBTOTAL:	\$ 524,451.20
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## 9. MISCELLANEOUS CLAIMS:

Susan C. Harrison	\$ 1,738.59
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Debra Matthey	\$ 700.00
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Gwen Kubo	\$ 3,337.75
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Hon Ying Yuen	\$ 600.00
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1	Evelyn Cho	\$ 1,628.33
2		
3		
4	SUBTOTAL:	\$ 8,004.67
5		
6	Total (SECTION 1):	\$25,406,827.20

7 The sums appropriated shall be expended by the department  
8 of the attorney general for the purposes of this Act.

9 PART II

10 SECTION 2. The following sums or so much thereof as may be  
11 necessary for fiscal year 2012-2013 are appropriated out of the  
12 state highway fund for the purpose of satisfying claims for  
13 legislative relief as to the following named persons, for claims  
14 against the State or its officers or employees for payments of  
15 judgments or settlements, or other liabilities, in the amount  
16 set forth opposite their names:

17 JUDGMENTS AGAINST THE STATE  
18 AND SETTLEMENTS OF CLAIMS:

AMOUNT

19  
20 DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION:

22	Callo, et al. v. State of Hawaii	\$ 2,100,000.00
23	Civil No. 05-19782, Second Circuit	Settlement
24	Douger, et al. v. State of Hawaii	(Consolidated
25	Civil No. 05-18339, Second Circuit	cases)
26		
27	Chang v. State of Hawaii, et al.	\$ 15,000.00
28	Civil No. 12-1-1408-05, First Circuit	Settlement
29		
30	Delouise v. Werner, et al.	\$ 275,000.00
31	Civil No. 07-1-0459(1), Second Circuit	Settlement



1	Dela Cruz v. State of Hawaii, et al.	\$ 35,000.00
2	Civil No. 06-1-0258, Third Circuit	Settlement
3		
4	Eager v. State of Hawaii, et al.	\$ 291,078.00
5	Civil No. 12-1-1408-05, First Circuit	Settlement
6		
7	Pleasanton v. State of Hawaii	\$ 35,000.00
8	Civil No. 09-1-2836-12 KTN, First Circuit	Settlement
9		
10		
11	SUBTOTAL:	\$ 2,751,078.00
12		
13	TOTAL (SECTION 2)	\$ 2,751,078.00
14		

15 The sums appropriated shall be expended by the department  
16 of transportation, highways division, for the purposes of this  
17 Act.

### 18 PART III

19 SECTION 3. The following sum or so much thereof as may be  
20 necessary for fiscal year 2012-2013 is appropriated out of the  
21 harbor special fund for the purpose of satisfying a claim for  
22 legislative relief as to the following named person, for a claim  
23 against the State or its officers or employees for payment of a  
24 judgment or settlement, or other liability, in the amount set  
25 forth opposite the person's name:

26	JUDGMENTS AGAINST THE STATE	AMOUNT
27	AND SETTLEMENTS OF CLAIMS:	
28		
29	DEPARTMENT OF TRANSPORTATION, HARBORS DIVISION:	
30		
31	Andrade v. State of Hawaii, et al.	\$ 150,000.00



Civil No. 09-1-2959-12, First Circuit	Settlement
SUBTOTAL:	\$ 150,000.00
TOTAL (SECTION 3)	\$ 150,000.00

The sum appropriated shall be expended by the department of transportation, harbors division, for the purposes of this Act.

#### PART IV

SECTION 4. The sums hereinabove may be paid to the respective persons, or for the satisfaction or settlement of the respectively identified cases, and in several amounts hereinabove set forth or in lesser amounts deemed appropriate, upon checks issued by the comptroller; provided departments shall obtain the approval of the attorney general before payment of any claim can be made.

SECTION 5. Notwithstanding the sums hereinabove stated as interest upon judgments against the State, payment of interest shall be limited to the period from the date of judgment, if applicable, to thirty days after the effective date of this Act, as provided in section 662-8, Hawaii Revised Statutes, for those cases to which the statute applies.

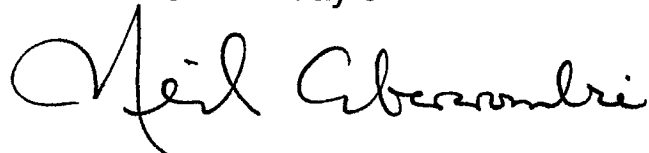


1 SECTION 6. All unexpended and unencumbered balances of the  
2 appropriations made in this Act as of the close of business on  
3 June 30, 2014, shall lapse.

4 SECTION 7. If any provision of this Act, or the  
5 application thereof to any person or circumstance is held  
6 invalid, the invalidity does not affect other provisions or  
7 applications of the Act, which can be given effect without the  
8 invalid provision or application, and to this end the provisions  
9 of this Act are severable.

10 SECTION 8. This Act shall take effect upon its approval.

APPROVED this 31 day of MAY, 2013



GOVERNOR OF THE STATE OF HAWAII

